

FLOOD CONTROL ADVISORY BOARD

MINUTES

October 23, 2002

The monthly meeting of the Flood Control Advisory Board was called to order by Secretary Long at 2:05 p.m. on Wednesday, October 23, 2002.

Board Members Present: Scott Ward, Vice Chairman (arrived at 2:20pm); Shirley Long, Secretary; Melvin Martin; Tom Callow, Ex Officio; Tom Sands, (for Paul Cherrington), Ex Officio.

Board Members Absent: Hemant Patel, Chairman; Kent Cooper; Paul Cherrington, Ex Officio.

Staff Members Present: Dick Perreault, CIP/Policy Manager; Julie Lemmon, General Counsel; Ed Raleigh, P.E., Engineering Division Manager; Larry Lambert P.E., Dam Safety Project Manager; Doug Williams, AICP, Regional Area Manager; Jim Schwartzmann, Lands Division Manager; Alicia Robertson, Clerk of the FCAB; Anne Van Note, Administrative Coordinator.

Guests Present: Brian Fry, Dibble & Associates; Ed Fritz, MCDOT; Hasan Mushtaq, City of Phoenix; Hernan A. Aristizabal, Entellus; Pedro Calza, Tetra Tech; Teri George, DEA; Jeannette Fish, Maricopa County Farm Bureau.

1) APPROVAL OF THE MINUTES OF THE MEETING OF September 23, 2002

ACTION: It was moved by Mr. Martin and seconded by Mr. Callow to approve the minutes as submitted. The motion carried unanimously.

2) ELECTION OF OFFICERS

Based on District Staff's recommendations, the FCAB elect the following Board members to serve a one-year term from November 2002 through October 2003:

Chairman
Melvin Martin

Vice Chairman
Shirley Long

Secretary
Scott Ward

ACTION: It was moved by Mr. Callow and seconded by Mr. Sands to approve staff recommendations. The motion carried unanimously.

3) APPOINTMENT TO THE FCAB STANDING COMMITTEES FOR 2003

Based on District Staff's recommendations, the FCAB appoint the following Board members to the FCAB Standing Committees:

Legislative Committee

Paul Cherrington
Kent Cooper

Program & Budget Committee

Melvin Martin
Hemant Patel

Policy Committee

Tom Callow
Hemant Patel

Public Information Committee

Shirley Long
Scott Ward

ACTION: It was moved by Mr. Martin and seconded by Mr. Callow to approve staff recommendations. The motion carried unanimously.

4) ADOPTION OF THE FLOOD CONTROL DISTRICT ADVISORY BOARD BYLAWS.

Discussion:

Martin: Article V, Section 5 on page 4 of 5 in the Bylaws should read: Meeting agendas and related facts and history of items to be reviewed will be delivered to all members at least seven days prior to regularly scheduled meetings, instead of five days prior to regularly scheduled meetings.

ACTION: It was moved by Mr. Martin and seconded by Mr. Callow to approve the suggested change in Section 5 Article 5 on page 4 of 5 in the Bylaws. The motion carried unanimously.

Discussion:

Callow: Article III, Section 1 on page 2 of 5 reads as; Phoenix City Engineer and General Manager of the Salt River Project. Can we change it to read as Street Transportation Director?

Lemon: According to ARS 483611A the City Engineer of the largest city in the District or their representative shall be ex-officio members of the FCAB.

ACTION: The motion was withdrawn based on ARS 483611A.

ACTION: It was moved by Mr. Martin and seconded by Mr. Callow to adopt the Flood Control District Advisory Board Bylaws as of October 23, 2002. The motion carried unanimously.

COMMENTS FROM DICK PERREAULT, CIP/POLICY- MANAGER

Dick Perreault explained Mr. Ellegood's absence and informed the Board of the postponement of the joint FCAB and Board of Directors Retreat. He also introduced the new Clerk of the Board, Alicia Robertson.

5) MCMICKEN DAM FISSURE ZONE REMEDIATION PROJECT

Larry Lambert, P.E., Dam Safety Project Manager, presented Resolution FCD 2002R017, for the McMicken Dam Remediation Project.

Mr. Lambert gave an overview of the history of McMicken Dam. The dam provides significant flood protection to the west valley and to Luke Air Force Base. The District has initiated Structures Assessment Program phase I studies for McMicken Dam. Study results indicate ground subsidence has continued to occur at the site and earth fissures have been found both upstream and downstream of McMicken Dam. The District believes the ground subsidence and presence of earth fissures in close proximity to the dam poses a risk to dam safety. Resolution provisions for the McMicken Dam project consist of: Design and construction of the fissure remediation and correction of immediate dam safety problems identified at McMicken Dam, acquisition of lands and inclusion of project funds in the District's Five year CIP.

Discussion:

Sands: Can you explain the land acquisition? What land would be required and for what purpose?

Lambert: We are looking at an alternative in which we may be able to replace the function of the dam. Not only a modification to the dam itself but perhaps a channel or something that collects the drainage. The southern end of the dam has a watershed area of about 9 square miles. We could collect that run off and direct it to the north and eliminate this area of risk by eliminating this portion of the dam. We may have to purchase some land to provide for the channel alternative. We don't know at this point which alternative is most cost effective.

Long: How many acres?

Lambert: We are estimating 30 to 40 acres; it has not been determined exactly how much yet.

Martin: Which city is participating in this?

Lambert: No city is participating at this time.

Martin: If we don't know how much land we are going to have to acquire where did we come up with the \$3,000,000 figure?

Lambert: We estimated \$1,000,000 for land acquisition and \$2,000,000 for the project design and construction.

Martin: Will we see this back in front of the FCAB after the design is complete?

Perreault: This resolution authorizes us to proceed with the design. We could bring this project back to you once we have gotten further into design so that we know what is involved with the project. And you will see this also in a future CIP presentation.

Martin: The resolution says; acquisition, design, construction and construction management is estimated to be approximately \$3,000,000. It sounds like we are doing it all.

Perreault: The resolution is an all-encompassing resolution, but at this point we cannot proceed with the design until we have the authority to do so. This would also be an addition to our CIP. We have this money penciled in for next year, to start the design this FY and proceed into next year with any land acquisition that may be required and the construction.

Sands: Larry, back on the land acquisition, if you did acquire the land and build a new channel would that then free up the land that is now held in fee that could be sold or exchanged?

Larry: That is a possibility. Most likely the resolution would result in the channel and therefore the need for that portion of the dam is abandoned or could be eliminated and that could free up land for possible exchange.

ACTION: It was moved by Mr. Sands and seconded by Mr. Callow to approve staff recommendations. The motion carried with the exception of Mr. Martin and Mr. Ward.

Discussion:

Martin: I would like to explain my vote. I think that we should approve the design and identify the land in two separate votes.

Long: Taking it back to the resolution process. Has this always been our procedure as far as incorporating the construction, design, construction management and land acquisitions all under one particular resolution?

Lemmon: A resolution has to include what is necessary for the District to move forward and spend money. It can be in one resolution or it could be in two resolutions. If we split it up it would mean coming back to you again at a certain point. Sometimes that is a problem if we are ready to move forward and we need to spend the extra two or three months bringing an item back that was not included in an original resolution. I think perhaps a different way of writing what was included in this project would have been more helpful. Expanding on what the project was so that the alternatives were specifically listed might have helped Mr. Martin and Mr. Ward understand more of what was intended in the project. If you are going to do land acquisition it has to be specific in the resolution. If it were not in the resolution we would have to come back. Sometimes I encourage the staff to put land acquisition in up front if they think they are going to do it. There are times it is important so that we can run out and buy it before someone puts a house on it and then we don't have to condemn a house. That is a general statement, not in terms of this, I don't know what this land is exactly.

Long: When this project returns to the FCAB, will the design be there with a more specific price tag?

Perreault: If you would like us to bring this project back for your information or action, we can do that after we have the design or the specific alternatives and the concept of the project tied down.

Martin: That should have been done to start with.

Callow: It does say that this would be included in a future CIP subject to Board approval. So it would have to come back.

Ward: I voted against it because I came in late and I did not want to jump in the middle of this. One of the reasons I sit on this board is because of public safety. In talking to Mike Ellegood, in preparation to the board retreat, I really discussed the public safety of the dam conditions in Maricopa County. When you look at the dam condition and then you look at the ADOT condition of I-10, or whosever's jurisdiction I-10 is in, that really disturbs me. My vote was basically because I thought we should do this in segments. I thought our procedure was A) to study; B) to design; C) to acquire the land and then construct.

Long: Once the design is set up would we feel more comfortable as a Board to review it again?

Perreault: We can definitely bring this back once we have the design further along and we know specifically what it is that we wish to pursue and include in the CIP.

Long: I think we would like that please.

6) AGUA FRIA WATERCOURSE MASTER PLAN RESOLUTION

Doug Williams, AICP, Regional Area Manager presented Resolution FCD 2002R011, for the Agua Fria Watercourse Master Plan Resolution.

Mr. Williams gave an overview of the project beginning with the area. The municipalities of Peoria, Surprise, El Mirage, Youngtown, Glendale, Phoenix, Avondale, Maricopa Association of Governments (MAG) and Maricopa County have all been involved throughout the planning process. Additionally, the District has hosted multiple stakeholder and public meetings. The public and the agencies are in support of the recommended plan. The District closely coordinated with the Arizona Rock Products Association (ARPA) representing several property owners and/or operators within the river corridor. Several jurisdictions are considering developing regional facilities along this watercourse, including multi-modal transportation, recreational and recharge facilities and habitat preservation areas. District concerns are rapid development growth adjacent to the river, floodplain encroachment, erosion, and uncoordinated conflicting plans for flood protection, recreation and recharge. We are requesting the authority to adopt the Resolution as the basis to mitigate flooding, erosion and adverse impact from development along the Lower Agua Fria River.

Discussion

Long: In the information we have here I don't believe we touched upon the recharge facilities that might be available for the cities, is this for the CAP water, use it or lose it?

Williams: Yes, there are five recharge opportunity proposals in the Agua Fria River. The CAP at the north, City of Peoria below that and a SROG recharge proposal, they actually have about \$20 million dollars to start it off at Bell Road south to Youngtown/El Mirage. We are working very closely with SROG; they call their recharge a linear recharge, which is different than the CAP concept. The CAP is an industrial off line recharge facility with a chain link fence around it to keep the public out. SROG is proposing a linear recharge much like a natural river flow in that it would be very slow flowing. They would allow vegetation to grow there and the cities could incorporate recreation trails and things like that. Below that, SRP has a recharge planned at the confluence of New River. SRP unfortunately is within the influence of the Glendale Airport so they plan their recharge to be a very sterile, scorched earth environment so they won't attract any birds. And then below that the City of Avondale, in conjunction with the Corps of Engineers and an improvement district are working on some recharge opportunities in the Avondale portion of the lower end of the river.

Long: The partnership benefits seem to be multilevel.

Williams: Yes, and I'm told by the recharge people there is an accelerated demand for recharge opportunities with the interstate water banking. We can recharge more from Nevada so all the water companies are scrambling for opportunities to recharge, so there could be more.

Long: Are there any more questions?

Ward: I am very enthused about this project. I recommend to anybody that has a chance to get up here. This is one of the last real venues in metropolitan Phoenix to see wildlife. The animal habitats, the bird habitats, if you ever get a chance go out and see the flooding when it does rain, go see it. I think we have a chance to create something just magical in this environment. I liked your example of Indian Bend Wash where we can combine active amenities like ball fields and paths along with habitat. I like your idea of saving as much of the river as you can. There is just a myriad of developers; this is the hot spot in Maricopa County for development. The more you can do to preserve the value of this property and the more you can do to not change the look of it the better. I would think that developers in this area would want to create retentions or detention areas that lead to the Agua Fria. I grew up in this kind of environment in Wisconsin; I learned more and had more fun along the waterways. I learned about birds and animals and soil erosion

and things I didn't even know I was learning. I think for hiking and biking, somewhere to take your family, preserving fish and game is a benefit. There is an opportunity of teamwork here that can do something very special. Best of luck.

Long: Environmentally it has a lovely feel to it. Thank you so much for putting so much effort into it. Water recharge, habitat preservation, it is just marvelous.

Martin: Who actually owns the river itself?

Williams: Approximately 1/3 of the upper portion of the river is owned by sand and gravel interest. The other portion is owned by private entities that lease their properties to sand and gravel companies. As Mr. Ward mentioned there is a lot of development activity in that north Peoria area so we are getting a lot of sand and gravel interest and activity in that northern portion. As the new permits come in we feel that the sand and gravel miners will be able to excavate and build this channel. There is a lot of interest and support from them for that.

Martin: Are we going to be able to control and make it look like natural, even though they take it out and it is their property, are we going to be able to buy legally?

Williams: That is one of the things that is attractive about the Improvement District Concept that binds the property owners to support this. They required some accommodation, the District may have to be involved at some point to some degree. That will have to be determined later by the Board of Directors obviously. I want to remind you that the District is a member of the Tempe Town Lake Community Facilities District. We are not assessed, but we are involved and we have a major interest.

Martin: You mentioned along the banks some developments have banked it or have done protection.

Williams: Yes, we are requiring that now. There are two developments going on, one in Youngtown and one in the Jomax area. They are building these erosion protection lines. We are working with the northern one, maybe they can build part of that channel instead of the erosion line. It benefits them, it gives them an additional 300 feet of frontage.

Ward: The reason why I'm an advocate of the master plan is miners, the people working on the sand and gravel operation along the Agua Fria, are not generally environmentally sensitive by nature. The sooner we can get control of this environment for preservation the better.

ACTION: It was moved by Mr. Martin and seconded by Mr. Callow to approve staff recommendations. The motion carried unanimously.

7) FISCAL YEAR 2003/2004 CAPITAL IMPROVEMENT PROGRAM (CIP) PRIORITIZATION PROCEDURE RESULTS

Dick Perreault, CIP/Policy Manager presented the summary of the Fiscal Year 2003/2004 Procedure for Identifying and Prioritizing Potential Five-year CIP projects. The presentation is for information and discussion only.

On October 2nd the project scores and recommendations were presented to the FCAB Program and Budget subcommittee of Mr. Patel and Mr. Martin. Of the 26 projects, 11 requests were recommended for further CIP consideration; previous scores were applicable for 6 projects; 5 requests were staff referrals and 4 requests were not recommended.

Your FCAB packets included information on each project that was submitted this year.

In December these projects will be brought again before the FCAB for action.

Discussion:

Callow: Is the Woolsey Flood Protection District a separate Flood Control District within the limits of the Maricopa County Flood District?

Perreault: They are a recognized flood protection district. Also, Julie Lemmon can add more information.

Lemmon: In Title 48, the same section of statutes that we and SRP and all the special districts are in, there are still provisions for individual flood protection districts if landowners choose to get together and form one. They can do the same as they would a drainage district or a fence district there is multiple kinds of districts. It is not illegal to have a flood protection district within the county if the landowners choose to form one under that particular statute. I think there is another one in Maricopa County, possibly in Rainbow Valley and also some in Pinal County that exist separate of the County Flood Control Districts.

Martin: Where do they get their funding?

Lemmon: They assess the members or they may pledge their land to back a bond up. It is not a publicly funded district such as the FCD is with the secondary tax levy. Usually an assess based funding district.

ACTION: No action required – for information and discussion only.

8) JOINT FLOOD CONTROL ADVISORY BOARD AND BOARD OF DIRECTORS WORK SESSION

Dick Perreault, CIP/Policy Manager addressed the FCAB in Mr. Ellegood's absence. A request that the joint Board meeting originally scheduled for October 24th, 2002 be postponed until Mr. Ellegood's return.

Discussion:

Sands: I have a question for the FCD and for the City of Phoenix. SRP received a notification or an invitation to attend a meeting on drainage issues in the area of 48th Street in Pecos Road, including I-10. It is a half-day meeting October 31st. I didn't know if the City of Phoenix or the Flood Control District had been invited to that meeting. It is being called by the Gila River Indian Community to address a myriad of drainage issues. I'm not sure if you've been invited or not.

Callow: I recall seeing something that involved ADOT.

Perreault: I am not aware of any of us being invited. Actually we have done all that we are planning on doing in that area. I don't think we have any issues. If you think it is advisable for us to attend we can have someone there.

Lemmon: I need to make a correction on page 4 of 5 of item 10. There is a note that applies the Board of Directors took action on October 2nd, - Item 3, SEND LETTER TO ARIZONA STATE LAND COMMISSION. We did have an executive session however, the item to send the letter was held pending a meeting that I believe Mr. Stapley and Mr. Kunasek had planned with the Land Commissioner. I don't have any more to tell you about the outcome. But that item was not on the official formal agenda. It should not show on our minutes that it went.

9) COMMENTS FROM THE CHIEF ENGINEER AND GENERAL MANAGER

Michael S. Ellegood, P.E. was unable to attend today's meeting due to a family medical emergency. No comments were made.

10) SUMMARY OF RECENT ACTIONS

Actions of the Board of Supervisors were included in the FCAB packet.

11) OTHER BUSINESS AND COMMENTS FROM THE PUBLIC

There was no other business or comments from the public.

The meeting was adjourned at 3:23 p.m. by general consent.

Shirley Long
Secretary of the Board

Alicia Robertson
Clerk of the Board